

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRON BRANDON,)	
)	CASE NO. C10-0360-JCC-MAT
Plaintiff,)	
)	
v.)	ORDER DENYING PLAINTIFF'S
)	MOTION FOR DEFAULT
SHERYL ALLBERT, et al.,)	JUDGMENT
)	
Defendants.)	
_____)	

This matter comes before the Court on plaintiff's motion for default judgment. The Court, having considered plaintiff's motion, and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's motion for default judgment (Dkt. No. 17) is DENIED. Plaintiff asserts in the instant motion that he is entitled to entry of judgment in his favor because defendants violated this Court's March 23, 2010 Order directing that they file an answer to plaintiff's complaint within 60 days. The record reflects that Dr. Allbert and Superintendent Frakes timely filed their answer to plaintiff's complaint on May 19, 2010. (Dkt. No. 13.) Plaintiff's motion is therefore moot with respect to these two defendants.

01 While Dr. Andrews did not file his answer until June 17, 2010 (*see* Dkt. No. 16), the
02 record suggests that this delay is likely attributable to the fact that the service address provided
03 by plaintiff for Dr. Andrews was not current and, thus, Dr. Andrews did not receive the service
04 packet mailed by the Court until on or about May 4, 2010 (*see* Dkt. No. 12). Thus, Dr.
05 Andrews' failure to file a timely answer is clearly justified.

06 (2) The Clerk is directed to send a copy of this Order to plaintiff and to counsel for
07 defendants.

08 DATED this 22nd day of June, 2010.

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11 Mary Alice Theiler
12 United States Magistrate Judge
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